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RAYMOND G. FORTNER, JR.
County Counsel

May 17, 2007

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: Item for Agenda of May 29, 2007
County Claims Board Recommendation
Duk Song, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. KC 045 984**

Dear Supervisors:

This is to transmit the Corrective Action Plan prepared by the Department of Public Works which relates to the above-referenced litigation. This matter will be placed on your Board's public meeting agenda for May 29, 2007.

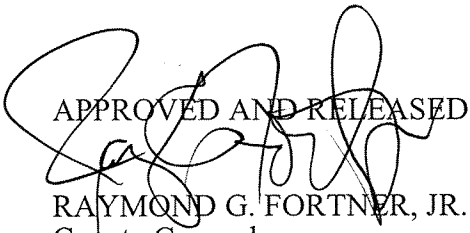
Our confidential memorandum concerning the recommendation for settlement of this litigation, which has been approved by the Los Angeles County Claims Board, is being transmitted under separate cover.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By 
JOHN F. KRATTLI
Senior Assistant County Counsel

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

JFK:rfm

Enclosure

c: David E. Janssen, Chief Administrative Officer
Sachi A. Hamai, Executive Officer - Board of Supervisors
Donald L. Wolfe, Director - Department of Public Works

DEPARTMENT OF PUBLIC WORKS CORRECTIVE ACTION PLAN

LAWSUIT OF: Duk Song, et al vs. County of Los Angeles, et al. LASC
KC045984

INCIDENT DATE: March 31, 2004

INCIDENT LOCATION: Crosswalk of Colima Road, 273 feet east of Lake Canyone
Drive near the Royal Vista Golf Course

RISK ISSUE:

The public entity can be held liable for the design and maintenance of a dangerous condition of public property. Under the law of joint and several liability, a public entity can be held responsible for its proportionate share of liability in addition to the entire economic damages suffered by the plaintiff.

INVESTIGATIVE REVIEW:

On March 31, 2004, Colima Road was a four lane County highway, with two lanes in each travel direction of east and west. Traffic controls included an overhead mast mounted flashing yellow light, yellow signage showing a pedestrian traveling between two lines, traffic limit lines adjacent to the crosswalk, and a painted crosswalk. For the golf cart traffic crossing Colima Road, there was a stop sign on golf course property along with an advisory sign prior to entry on the sidewalk and crosswalk.

At approximately 11:35 a.m. on a clear and dry day, Mr. Song (74 years-old) was playing golf at Los Angeles Royal Vista Golf Course located in the community of Walnut, California. The golf course is divided by Colima Road. While operating a golf cart within a crosswalk, traveling across Colima Road from the south side of the golf course to the north side, Mr. Song with his passenger and fellow golfer Hi Sun Lee collided with an automobile, traveling eastbound in the number 1 of 2 lanes, driven by Defendant/Cross-Defendant Inez Stutte (80 years-old). Ms. Stutte was traveling approximately 35 mph at the time of impact. Mr. Song was fatally injured, leaving behind a widow and five adult children.

The Traffic Collision Report (TCR) report concluded that Mr. Song was the primary cause of the collision due to his failure to yield the right-of-way to driver Ms. Stutte. This conclusion was based on Mr. Song's operation of a motor vehicle (the golf cart) from private property entering upon a public highway where he was required to wait until he could proceed with reasonable safety, after yielding to traffic close enough to constitute an immediate hazard.

In November 2000, the Department completed a review of the TCR report for the Gun

DEPARTMENT OF PUBLIC WORKS CORRECTIVE ACTION PLAN

Jae Cho (Cho) accident that occurred on April 19, 2000, which included a field review. All signals, signs, and striping appeared to be sufficient, and no recommendations for modifications were made at that time.

POLICY ISSUES:

At the time of the subject accident, the Department followed the standards specified by CalTran's Traffic Manual and the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) related to pedestrian crosswalks and traffic control. The MUTCD is recognized as the national standard for traffic control devices used on all public roads. The crosswalk and flashing yellow light on Colima Road met the guidelines under these manuals at the time of the accident.

CORRECTIVE ACTION:

While litigating the Cho accident of April 19, 2000, the incident location was evaluated. While the design including crosswalk, devices, and speed met the standards established at the time, the Department in conjunction with the Royal Vista Golf Course, agreed to the installation of a signalized intersection and crosswalks at the intersection of Colima Road and Lake Canyon Road. The installation of the signal included elimination of the two crosswalks on Colima Road, east and west of Lake Canyon Road. In October 2004, the Department installed the signal and crosswalks and removed the other crosswalk. The golf course modified their cart paths to utilize the signalized crosswalk location on Colima Road at Lake Canyon Road.